
LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN COHEN, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

LUCKIN COFFEE INC., JENNY ZHIYA
QIAN, and REINOUT HENDRIK SCHAKEL,

Defendants.

Case No. 1:20-cv-01293-LJL-JLC

CLASS ACTION

**STIPULATION AND
[PROPOSED] ORDER
REGARDING BRIEFING
SCHEDULE FOR
CONSOLIDATED COMPLAINT
AND DEFENDANTS' RESPONSE**

WHEREAS, on February 13, 2020, Plaintiff Martin Cohen, individually and on behalf of all others similarly situated, filed a putative class action complaint asserting claims against Luckin Coffee Inc. (“Luckin”), Jenny Zhiya Qian, and Reinout Hendrik Schakel for violations of the federal securities laws, Case No. 1:20-cv-01293-LJL-JLC (S.D.N.Y.) (the “Cohen Action”) (ECF No. 1);

WHEREAS, on April 10, 2020, Plaintiff Wai Chun Shek, individually and on behalf of all others similarly situated, filed a putative class action complaint in this district against Luckin and other defendants asserting claims similar to the Cohen Action, Case No. 1:20-cv-02977 (S.D.N.Y.) (the “Shek Action”);

WHEREAS, on April 13, 2020, following publication of notice and pursuant to the terms of the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4, a number of movants filed motions for appointment as lead plaintiff and lead counsel in the Cohen

Action (the “Lead Plaintiff Motions”) (ECF Nos. 10, 15, 18, 22, 25, 28, 32, 34, 38, 41, 43, 44, 48, 51, 58, 61, 64, 69);

WHEREAS, a number of movants have also moved to consolidate the Cohen Action with the Shek Action (the “Consolidation Motions”) (ECF Nos. 10, 15, 18, 22, 25, 32, 34, 38, 41, 43, 44, 58, 61, 64, 69);

WHEREAS, two additional actions were also filed in the United States District Court for the Eastern District of New York, asserting similar claims against Luckin and similar defendants, styled as *Sterckx v. Luckin Coffee Inc.*, Case No. 1:20-cv-01677 (E.D.N.Y.), which was filed on April 2, 2020; and *Gopu. v. Luckin Coffee Inc.*, Case No. 1:20-cv-01747 (E.D.N.Y.) which was filed on April 8, 2020. These actions were consolidated and then transferred to this Court styled as *Sterckx v. Luckin Coffee Inc.*, Case No. 1:20-cv-03304 (S.D.N.Y.) (the “Sterckx Action”);

WHEREAS, on April 24, 2020, the Court ordered, regarding a stipulation between counsel for Plaintiff Martin Cohen and Luckin regarding service and time to answer or otherwise plead, that within fourteen days following entry of an order by the Court resolving the Lead Plaintiff Motions and Consolidation Motions, counsel for Lead Plaintiffs and Luckin shall confer and submit a proposed schedule for the filing of a consolidated amended complaint and Luckin’s response thereto (ECF No. 85);

WHEREAS, on May 15, 2020, this Court consolidated the Cohen Action, the Shek Action, and the Sterckx Action under the Cohen Action (hereafter “Consolidated Class Action”) and directed that all other cases be administratively closed. (ECF No. 104);

WHEREAS, on June 12, 2020, this Court issued an Opinion and Order (the “Order”) appointing Sjunde AP-Fonden (“AP7”) and Louisiana Sheriffs’ Pension & Relief Fund (“Louisiana Sheriffs”) as lead plaintiff (collectively, AP7 and Louisiana Sheriffs are “Lead

Plaintiffs”), and appointing Kessler Topaz Meltzer & Check, LLP and Bernstein Litowitz Berger & Grossmann LLP as class counsel (ECF No. 118);

WHEREAS, the Order required the parties to meet and confer and submit a joint proposed schedule for the filing of a consolidated amended complaint and Defendants’ responses thereto;

IT IS ACCORDINGLY STIPULATED AND AGREED among the undersigned counsel, subject to the Court’s approval, that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), any class actions that are subsequently filed, removed, or transferred that are related to the claims asserted in the Consolidated Class Action shall be **CONSOLIDATED** for all purposes under 1:20-cv-01293-LJL-JLC.

2. The Consolidated Class Action shall bear the caption “*In re Luckin Coffee Inc. Securities Litigation*” and shall be maintained under master file number 1:20-cv-01293-LJL-JLC.

3. Lead Plaintiffs shall file a consolidated class action complaint (the “Consolidated Complaint”) with this Court within sixty (60) days of entry of this Order.

4. Luckin shall file an answer or otherwise respond to the Consolidated Complaint within sixty (60) days of the filing date of the Consolidated Complaint.

5. If Luckin files a motion to dismiss the Consolidated Complaint, Lead Plaintiffs shall file a response to the motion to dismiss within sixty (60) days of the filing date of the motion to dismiss.

6. Luckin shall file a reply to the response to the motion to dismiss within thirty (30) days of the filing date of Lead Plaintiffs’ response.

7. To the extent any additional defendants are duly served the Consolidated Complaint, Lead Plaintiffs shall make reasonable efforts to confer with such defendants within

seven (7) days of service to discuss a proposed schedule for responding to the Consolidated Complaint, provided that any additional defendants duly served in this action shall be provided with no less than thirty (30) days from the date of service to file a response and that in all events such response shall not be due before Luckin's response.

Dated: June 26, 2020

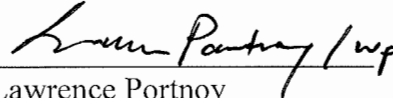
Respectfully submitted,

**KESSLER TOPAZ MELTZER
& CHECK, LLP**



Sharan Nirmul
Gregory M. Castaldo
Richard A. Russo, Jr.
Lisa M. Port
Nathan A. Hasiuk
Mark C. Franek
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
snirmul@ktmc.com
gcastaldo@ktmc.com
rrusso@ktmc.com
llambport@ktmc.com
nhasiuk@ktmc.com
mfranek@ktmc.com

**DAVIS POLK & WARDWELL
LLP**

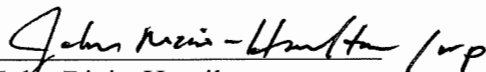


Lawrence Portnoy
Brian S. Weinstein
450 Lexington Avenue
New York, NY 10017
Tel: (212) 450-4874
lawrence.portnoy@davispolk.com
brian.weinstein@davispolk.com

Jonathan K. Chang
18/F, The Hong Kong Club Building
3A Chater Road, Hong Kong SAR
Tel: +852-2533-1028
Fax: +852-2533-4358
jonathan.chang@davispolk.com

*Attorneys for Defendant Luckin
Coffee Inc.*

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**



John Rizio-Hamilton
Salvatore J. Graziano
Jai Chandrasekhar
Kate W. Aufses
1251 Avenue of the Americas

New York, New York 10020
Telephone: (212) 554-1400
Facsimile: (212) 554-1444
johnr@blbglaw.com
salvatore@blbglaw.com
jai@blbglaw.com
kate.aufses@blbglaw.com

*Counsel for Lead Plaintiffs Sjunde AP-Fonden
and Louisiana Sheriffs' Pension & Relief Fund
and Lead Counsel for the Putative Class*

IT IS SO ORDERED.

Dated: _____

HON. LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE